

P-3052/NA-91-117 ORDER GRANTING PETITION FOR CLARIFICATION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Cynthia A. Kitlinski
Dee Knaak
Norma McKanna

Chair
Commissioner
Commissioner
Commissioner

In the Matter of the Application
of Telecommunications Link, Inc.
for Authority to Resell
Intrastate Long Distance

ISSUE DATE: March 4, 1992

DOCKET NO. P-3052/NA-91-117

DOCKET NO. P-1423/NA-91-230

In the Matter of the Application
of Telecommunications
Consultants, Inc. for Authority
to Resell Intrastate Long
Distance

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CLARIFICATION

PROCEDURAL HISTORY

On January 3, 1992, the Commission issued an Order for Telecommunications Link, Inc. (TCL) and Telecommunication Consultants, Inc. (TCI) to cease and desist from the provision of telecommunications service in Minnesota.

On January 23, 1992, TCI filed a petition for clarification requesting that the Commission narrow the scope of the Order to allow it to continue providing management of pay phone services and arranging for long distance authorities to commission "0+ business" to pay phone site owners at no increase in price to the pay phone site owners.

On February 25, 1992, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

There was no information before the Commission that TCI had authority to provide any telecommunications service in Minnesota when the cease and desist Order issued against TCI on January 3, 1992. Instead, the information before the Commission was that TCI had been the parent company of TCL during a period when TCL had been marketing intrastate long distance service without a certificate of authority to do so and that TCI had offered no assurance of non-involvement in unauthorized activity whatsoever. Accordingly, the scope of the Order was broad, prohibiting TCI and TCL from providing telecommunications service in Minnesota and prohibiting their receipt and retention of compensation, directly or indirectly, in connection with their provision of telecommunications service in Minnesota.

Subsequent to the issuance of this Order, TCI has furnished evidence and the Department has confirmed that prior to the January 3, 1992 Order, TCI had a certificate of authority to operate Customer Operated Coin Telephones (COCOTs) and had

authority to provide management of pay phone services and to arrange for long distance authorities to commission 0+ business to pay phone site owners, with no increase in cost.

In light of this showing, the Commission will modify its January 3, 1992 Order in the following respects:

1. Ordering Paragraph 1 is clarified to direct TCI to cease and desist from the provision of 1+ service in the State of Minnesota.
2. Ordering Paragraphs 2 and 3 are clarified to prohibit TCI from receiving, directly or indirectly, and retaining compensation in connection with its provision of 1+ service in Minnesota.
3. Ordering Paragraph 4 is clarified to require TCI and TCL to file with the Commission a list of customers, etc. to whom it sold 1+ service in Minnesota. In addition, the provisions regarding notification and the filing of an affidavit confirming that notification has been given are restricted to the sale of 1+ service in the State of Minnesota.
4. The Order is clarified by amending Ordering Paragraph 5, substituting the phrase "1+ service" for the phrase "such service".

In all other respects, the January 3, 1992 Order remains unchanged. For example, the directives to TCI's former subsidiary, TCL, are unchanged except as specifically indicated in the preceding paragraphs numbered 3 and 4. Despite the narrowing of the terms of the Cease and Desist Order, of course, TCI remains prohibited by Minnesota law from providing any telecommunications service in Minnesota other than those for which it has received authority, i.e. Customer Operated Coin Telephone (COCOT) service, management services for its pay phone customers, and the arrangement for long distance authorities to commission "0+" business to pay phone site owners with no increase in cost.

ORDER

1. The Commission's January 3, 1992 Order in this matter is clarified and modified as set forth in Points 1-4 on page 2 of this Order .
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)